

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-7 and 10-40 are pending in this application, of which claims 34-40 are withdrawn as being directed to a non-elected invention. By this Amendment, claims 1, 3-5, 10-15, 21, 25, 27, 28, and 32, are amended; and claims 8 and 9 are cancelled without prejudice to or disclaimer of the subject matter contained therein. No new matter is added. Claims 1 and 34 are the independent claims.

Applicants note with appreciation the Examiner's acknowledgement that certified copies of all priority documents have been received by the U.S.P.T.O.

Applicants appreciate the Examiner's indication that the Information Disclosure Statements filed on October 24, 2008 and August 14, 2006, have been considered.

Applicants also respectfully note that the present action does not indicate that the drawings have been accepted by the Examiner. Applicants respectfully request that the Examiner's next communication include an indication as to the acceptability of the filed drawings or as to any perceived deficiencies so that the Applicants may have a full and fair opportunity to submit appropriate amendments and/or corrections to the drawings.

Allowable Subject Matter

Claim 26 is allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112, second paragraph, set forth in this Office Action. However, Applicants submit that claims 1-7, 10-25, and 27-40 are also allowable in view of the following remarks.

Moreover, Applicants note that claims 19-22 have **not** been addressed by the Examiner, and therefore, Applicants assume that claims 19-22 also contain allowable subject matter.

Further, Applicants request full examination of all claims, and submit that a “final” rejection may not be issued in the next Patent Office communication as Applicants have not had a fair opportunity to rebut and/or argue the Examiner’s rejection. Furthermore, Applicants respectfully submit that the Examiner’s failure to acknowledge and address claims 19-22, preclude the finality of a next Office Action rejecting those claims, because such a rejection would have not been necessitated by either a claim amendment or based on information from an Information Disclosure Statement. (see MPEP § 706.07(a)).

Election/Restriction Requirement

Applicants acknowledge the election of Group I, of which claims 1-33 read on, and claims 34-40 have been withdrawn by the Examiner as being directed to a non-elected invention.

Applicants respectfully reserve the right to file a divisional application directed to the non-elected invention.

Claim Rejections - 35 U.S.C. § 112

Claims 4, 5, and 9-32 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse this rejection for the reasons discussed below.

In regard to claims 4, 5, and 9, Applicants have amended these claims to provide proper antecedent basis.

In regard to claim 19, the Examiner states that “it is not clear how solution falling from the outer side wall can be guided back into the transfer bath, if the guide plate is below the transfer bath.” However, it is submitted that the Examiner’s statement “if the guide plate is below the transfer bath” is incorrect as clearly shown in FIG 8, because the guide plate 500 is “above” the inner bath 220 and the outer bath 240. See also paragraph [0055] of the instant disclosure. Therefore, in light of the specification, claim 19 is clear and definite.

In regard to claim 21, Applicants have removed the phrase “*when the cleaning solution is filled*” to obviate the rejection.

In regard to claim 32, Applicants have amended and removed the phrase “*along a loop shape of*” to obviate the rejection.

In view of the above, Applicants respectfully request that the rejections of claims 4, 5, and 9-32 under 35 U.S.C. § 112, second paragraph, be reconsidered and withdrawn.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 2, 5, and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by JP 06-163505 to Kaneda (“the Kaneda reference”). Applicants respectfully traverse this rejection for the reasons discussed below.

Initially, Applicants note that claim 1 has been amended to include the subject matter of claims 8 and 9. Therefore, Applicants will address the rejections based on the *Kaneda* and the *Nishiwaki* references.

Specifically, Applicants respectfully submit that the Kaneda and the Nishiwaki references, individually or in combination, fail to disclose or suggest each and every element of claim 1, and therefore, an anticipatory rejection has not been established.¹

For example, claim 1, as amended, recites the interface part, *inter alia*:

a transfer bath containing one of the substrates to prevent exposure of the substrate to air, and

a transfer bath moving part for allowing the transfer bath to move up and down.

The Nishiwaki reference, on the other hand, discloses a Braun tube panel cleaning apparatus. The panel is disposed above the elevating member. *See FIG. 1*. Further, it is submitted that the elevating member moves the cleaning bath up and down to dip some part of the panel in the cleaning solution, exposing the substrate to air.

Accordingly, the Nishiwaki reference fails to disclose or suggest “a transfer bath containing one of the substrates to prevent exposure of the substrate to air,” as recited in amended claim 1.

Therefore, contrary to the Examiner’s contention, the Kaneda and the Nishiwaki references, individually or in combination, fail to disclose or suggest each and every element of amended claim 1.

Since none of the applied references disclose each and every element of claim 1, they cannot provide a basis for a rejection under 35 U.S.C. § 102 and, thus, is allowable. Claims, 2 and 5 depend from amended claim 1, and, therefore, are allowable for similar reasons to those discussed above with respect to claim 1.

¹ A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See MPEP § 2131: *Verdegaal Brothers vs. Union Oil Co. of Ca.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

For at least these reasons, the Examiner is respectfully requested to reconsider and withdraw the § 102 rejection of claims 1 and 5.

Claim Rejections - 35 U.S.C. § 103

Claims 3 and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kaneda in view of JP 2000-183019 to Yamamoto ("Yamamoto"). Applicants respectfully traverse this rejection for the reasons discussed below.

Claims 3 and 4 are believed to be allowable for at least the reasons set forth above regarding claim 1. The Yamamoto reference fails to provide the teachings noted above as missing from the Kaneda reference. Since claims 3 and 4 are patentable at least by virtue of their dependency on independent claim 1, Applicants respectfully request that the rejection of claims 3 and 4 under 35 U.S.C. § 103(a) be withdrawn.

Claims 6 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kaneda in view of Yamamoto and further in view of US Patent Publication No. 2002/0059943 to Inagaki ("Inagaki") and US Patent Publication No. 2003/0053894 to Matsumoto ("Matsumoto"). Applicants respectfully traverse this rejection for the reasons discussed below.

Claims 6 and 7 are believed to be allowable for at least the reasons set forth above regarding claim 1. The Inagaki and the Matsumoto references fail to provide the teachings noted above as missing from the Kaneda and the Yamamoto references. Since claims 6 and 7 are patentable at least by virtue of their dependency on independent claim 1, Applicants respectfully request that the rejections of claims 6 and 7 under 35 U.S.C. § 103(a) be withdrawn.

Claims 9-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kaneda in view of JP 2000-26080 to Nishiwaki ("Nishiwaki"). Applicants respectfully traverse this rejection for the reasons discussed below.

Claims 9-18 are believed to be allowable for at least the reasons set forth above regarding claim 1. The Nishiwaki reference fails to provide the teachings noted above as missing from the Kaneda reference. Since claims 9-18 are patentable at least by virtue of their dependency on independent claim 1, Applicants respectfully request that the rejections of claims 9-18 under 35 U.S.C. § 103(a) be withdrawn.

Claims 23-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kaneda in view of Nishiwaki and further in view of US Patent Publication No. 2003/0075046 to Lenzing ("Lenzing") or US Patent Publication No. 2003/0038269 to Creissel ("Creissel"). Applicants respectfully traverse this rejection for the reasons discussed below.

Claims 23-25 are believed to be allowable for at least the reasons set forth above regarding claim 1. The Lenzing and the Creissel references fail to provide the teachings noted above as missing from the Kaneda and the Nishiwaki references. Since claims 23-25 are patentable at least by virtue of their dependency on independent claim 1, Applicants respectfully request that the rejections of claims 23-25 under 35 U.S.C. § 103(a) be withdrawn.

Further, claim 25 recites, *inter alia*, "the interface part further comprises a switch mounted on a bottom of the interface part for opening and closing the exhaust valve." The Lenzing reference, on the other hand, discloses a valve plate 42 disposed inside the housing 37 and opening and closing lines 35. Therefore, the Lenzing

reference does not disclose a switch mounted on a bottom of the interface part for opening and closing the exhaust valve.

For at least these reasons, the Examiner is respectfully requested to reconsider and withdraw the § 103 rejection of claims 23-25.

Claims 27-33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kaneda in view of Nishiwaki and further in view of US Patent Publication No. 2004/0018745 to Tashiro et al. ("Tashiro"). Applicants respectfully traverse this rejection for the reasons discussed below.

Claims 27-33 are believed to be allowable for at least the reasons set forth above regarding claim 1. The Tashiro reference fails to provide the teachings noted above as missing from the Kaneda and the Nishiwaki references. Since claims 27-33 are patentable at least by virtue of their dependency on independent claim 1, Applicants respectfully request that the rejections of claims 27-33 under 35 U.S.C. § 103(a) be withdrawn.

Further, the Examiner admits that Kaneda and Nishiwaki do not disclose the alignment and position of the substrate for processing."² Yet, the Examiner attempts to overcome the admitted deficiency of Kaneda and Nishiwaki by asserting that the reference of Tashiro teaches the "use of position of relationship for various aspects of substrate processing." Applicants respectfully disagree.

Specifically, although the Tashiro reference discloses a transfer mechanism 44 for moving the substrate, it is submitted that the transfer mechanism is not disposed between the loading/unloading part of the cleaning part to convert each substrate to a vertical state to a horizontal state or vice versa, as taught in claim 27.

For at least these reasons, the Examiner is respectfully requested to reconsider and withdraw the § 103 rejection of claims 27-33.

CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. Further, the above remarks demonstrate the failings of the outstanding rejections, and are sufficient to overcome the rejections. However, these remarks are not intended to, nor need they, comprehensively address each and every reason for the patentability of the claimed subject matter over the applied prior art. Accordingly, Applicants do not contend that the claims are patentable solely on the basis of the particular claim elements discussed above.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned, at the telephone number below.

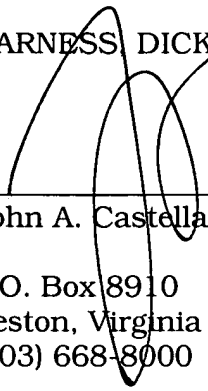
² See Office Action mailed March 31, 2010, page 8, lines 2 and 3.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By



John A. Castellano, Reg. No. 35,094

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JAC/DJC:has
939365.1